

- 1 A More than likely they would have come through the 105
2 front.
3 Q They would have permission to come from the front all
4 the way to the back area?
5 A Right.
6 Q So these young people would have been in the conference
7 area with police permission?
8 A Exactly.
9 Q You can't get back there without permission; is that
10 correct?
11 A No.
12 Q A police officer would have to have permission to take
13 a police vehicle out of -- to use a police vehicle, is
14 that correct, like the van; is that right?
15 A Right.
16 Q And certainly to take the vehicle out of district, out
17 of the City of Detroit, you would have had to have
18 permission; is that correct?
19 A Exactly.
20 Q 'Cuz that's a dischargeable offense, you can be fired
21 for that, right?
22 A Exactly.
23 Q Now proposed B that I showed you reflect a league
24 that's Suburban league, actually a league that was in
25 the Flint area; is that correct?

1 A This is correct.

2 Q And do you know whether Officer Collins had permission
3 to use a police vehicle to take young people from the
4 Detroit area from the Eastern District to participate
5 in the football league in the Flint area?

6 A I can only testify to that I didn't give him
7 permission.

8
9 THE COURT: I'm sorry, I didn't
hear the answer.

10
11 THE WITNESS: I'm sorry. I didn't
12 give him permission. Only the chief could give him
permission or assistant chief.

13 BY MR. EVELYN:

14 Q Do you know if he had permission to do that?

15 A I have no knowledge of him having permission to do
16 that.

17 Q Officer Lewis, weren't you the least bit concerned --
18 strike that.

19
20 Weren't you the least bit curious
of his other activities, his sports activity?

21 A As long as he was doing community service, that was my
22 basic concern.

23 Q But that was something that you didn't feel that you
24 needed to supervise; is that correct?

25 A Which one, the sports?

1 Q The sports activity?

2 A Right.

3 Q Was that because you thought he had permission from the
4 chief and the deputy chief to do it?

5 A Yes.

6 Q Now I've been told that community relations is a unit
7 that other officers would like to get into, that other
8 officers are somewhat jealous about. Have you heard
9 the same thing or not?

10 A No, I haven't.

11 Q Do you ever hear anybody complain about their inability
12 to get into that unit?

13 A No, I haven't.

14 Q Did any of the officers complain to you about Officer
15 Collins' very flexible schedule?

16 A No.

17 Q You never had one complaint?

18 A Not one complaint.

19 Q Did you ever hear a complaint from any of your other
20 officers in the community relations unit?

21 A No.

22 Q Do you know Officer Brownlee?

23 A Yes.

24 Q Are you aware of her making a complaint concerning
25 Officer Collins availability for details?

1 A I found that out during the course of this
2 investigation.

3 Q You didn't know anything about it beforehand?

4 A No.

5 Q Now you did something called an initiative report; is
6 that correct?

7 A Correct.

8 Q And those were reports that you prepared at whose
9 direction?

10 A Chief.

11 Q The chief of police and that would have been Chief
12 Cummins at one point; is that correct?

13 A Cummins, Barron.

14 Q You said Cummins and who?

15 A Barron, Evans and the last one would be Godbee.

16 Q So all the chiefs required that, at least, as far as
17 you were concerned, the Eastern District had to prepare
18 initiative reports that discussed the initiatives that
19 your unit was involved in; is that correct?

20 A Right. That's a city-wide -- that's a city-wide
21 report.

22 Q That's a city-wide report?

23 A Yes.

24 Q But each district office had their own community
25 relations unit; is that correct?

1 A That's correct.

2 Q So I take it that means that each office would have to
3 prepare their own; is that correct?

4 A Exactly.

5 Q Eastern District would do one, Western District would
6 do one?

7 A Yes.

8 Q You're saying it was a city-wide requirement?

9 A Yes.

10 Q These reports were routed by the preparer up to the
11 chain of command; is that correct?

12 A Through the channels, yes.

13 Q Through channels. So do you have any copies of those
14 or would those be kept at the precinct?

15 A Those should be at the precinct.

16 Q If I tell you that a search was done pursuant to a
17 court order and that nobody could find any of these
18 reports or that we were told that no one could find
19 them?

20 A Those reports I turn into the front office. From the
21 front office they make a copy and they're sent
22 downtown.

23 Q So you turn them into the front office at Eastern
24 District; is that correct?

25 A Yes.

1 Q Eastern District makes a copy?

2 A Yes.

3 Q They keep a copy, like you do most police documents; is
4 that correct?

5 A Yes.

6 Q And then your original goes up through channels?

7 A That's correct.

8 Q All the way to the chief's office?

9 A That's correct. Yes.

10 Q So the chief's office presumably should have a copy of
11 it?

12 A They should.

13 Q And the chief should have a copy?

14 A Exactly.

15 Q You thought that the Western District did the same?

16 A Yes.

17 Q She should have them also?

18 A Yes.

19 Q If somebody checks, they should be told what they are?

20 A Yes.

21 Q She should know what they are?

22 A Yes, they should. If they're community relations
23 sergeant.

24 Q Well, let me ask you, just say we were unable to get
25 copies of these documents that you said existed, you

1 were asked to see if you could retrieve some from your ¹¹¹
2 computer; is that correct?

3 A Correct.

4 Q Who asked you to do that?

5 A Commander Moore.

6 Q Commander Moore did and you generated some documents
7 that were -- where did they come from, let me ask you
8 that?

9 A I save 'em -- I save all the work that I do.

10 Q You save all the work that you do?

11 A Yes.

12 Q You produced some in response to that request I just
13 described; is that correct?

14 A Pardon me?

15 Q Did someone ask you to generate what you could in
16 connection with these?

17 A Yes.

18 Q And where did you find them?

19 A In my file.

20 Q I'm sorry?

21 A In my computer file.

22 Q Your computer file. So you didn't have to type them
23 all over again?

24 A No.

25

(Whereupon Exhibits B-H were

marked for the record.)

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MR. EVELYN: I'm going to show you what's marked as Defendant's C.

THE COURT: That is two page document.

BY MR. EVELYN:

Q I'm going to ask you if this is something that you generated?

A Yes, sir, it is.

MR. EVELYN: With the court's permission, I'm going to staple C so it doesn't get --

THE COURT: As long as the staple doesn't go through type or words, numbers.

MR. EVELYN: That's fine.

THE COURT: 'Cuz if the staples comes out, it would destroy what one might want to look at. Thank you.

MR. EVELYN: Thank you, Judge.

Good idea.

BY MR. EVELYN:

Q That document is something that you generated?

A Yes.

Q Now it has at the top of the date November 29th, 2010; is that right?

A Yes.

1 Q And why does it say November 29th, 2010?

2 A 'Cuz when I printed it out on the computer, that's the
3 date that popped up and I didn't go back and change it.

4 Q So that's the date you printed it out?

5 A Right.

6 MR. EVELYN: Move the admission of
7 Defendant C, your Honor.

8 MR. WOODYARD: Without objection.

9 THE COURT: Court would admit
10 Defendant's C.

11 BY MR. EVELYN:

12 Q Now in that document it describes some things that you
13 summarize that you were going to send to the chief
14 office; is that correct?

15 A That's correct.

16 Q And you were summarizing activities for what time
17 period?

18 A January the 1st, 2008 through the December the 31st,
19 2008.

20 THE COURT: Say those dates again.

21 THE WITNESS: January the 1st, 2008
22 through December the 31st, 2008. It's yearly reports.

23 THE COURT: Thank you.

24 BY MR. EVELYN:

25 Q And does it have a youth on the intuitive description

1 on there?

2 A Yes, it does.

3 Q And it talks about what kind of youth initiative?

4 A The Eastern District League and basketball team and
5 football team and age brackets of their team.

6 Q What's it say about that league?

7 A In 2007 in this age group, number one, 2007 in
8 basketball and football championship. The team
9 consists of youth in the Eastern District. This is a
10 year round intuitive.

11 Q It's a year round intuitive. Where did you get that
12 information from?

13 A I got this information from D.C. Godbee.

14 Q From D.C. Godbee?

15 A And Jerome Collins.

16 Q So you didn't do anything of your own to observe any of
17 what you describe in this; is that correct?

18 A Exactly.

19 Q Those sports activities describes the sport activity
20 that were run by Officer Collins?

21 A That's correct.

22 Q And year long intuitive?

23 A Yes.

24 Q Which means 12 months, year round?

25 A Yes.

1 Q Okay. I'm going to show you some other reports which I 115
2 believe you generated in response to the court's order.
3 Well, I shouldn't say I believe you generated at the
4 direction of commander. Let me show you first, what's
5 been marked as Defendants D and I believe that the
6 people have no objection to it being admitted?
7

8 MR. WOODYARD: I'll stipulate to
9 all the documents being admitted.

10 MR. EVELYN: That would be D, E
11 and F.

12 MR. WOODYARDS: D, E and F I have
13 no objection.

14 BY MR. EVELYN:

15 Q What is D?

16 A This is the 2008 intuitives.

17 Q That 2008?

18 A Yes.

19 MR. EVELYN: If I may approach?

20 THE COURT: You may?

21 BY MR. EVELYN:

22 Q And I thought you said those were 2008?

23 A They're both the same except for the second page.

24 Q Okay. So the second page is different on one than the
25 other?

A Exactly.

1 Q Can you explain that?

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2 A I can't explain that, 'cuz I just do it by month, as I
3 go through the month. This could have been one that
4 was generated, actually, in error.

5 THE COURT: When you say this, what
6 letter do you mean? Look at the blue sticker.

7 THE WITNESS: I'm sorry, Exhibit C
8 could have been totally in error.

9 BY MR. EVELYN:

10 Q So you're saying Exhibit C may not have been one that
11 was routed through?

12 A Right.

13 Q It may have been a correction of C?

14 A Exactly.

15 Q 'Cuz these came off of your computer, right?

16 A Right.

17 Q But is the information in C correct?

18 A The information for C is correct.

19 Q The information in D is correct?

20 A The information in D is correct, but more information
21 is given D than it is in C.

22 Q Okay. So D would be more complete version of C?

23 A Exactly.

24 Q I'm going to show you E and E is for what year?

25 A E is for 2007.

1 Q Okay. And is there -- is there a program described
2 Pitch, Hit and Run; is that correct?

3 A That's correct.

4 Q And that was a program also that Officer Collins was
5 involved in; is that correct?

6 A That's correct.

7 Q He coordinated Pitch, Hit and Run, it was athletic,
8 correct?

9 A Correct.

10 Q And --

11 A Can I put some more emphasis on it?

12 Q If your answer wasn't complete.

13 A On the Pitch, Hit and Run, that was on a project
14 sponsored through Commander Serta (ph) through the
15 Pepsi Company and he picked Collins to do that program
16 for him.

17 Q For the Detroit Police Department?

18 A Yes.

19 Q And F is for -- that's also 2008?

20 A Yes.

21 THE COURT: Two thousand and
22 eight.

23 THE WITNESS: Yes, ma'am.

24 BY MR. EVELYN:

25 Q That would be a supplement to 2008 then?

1 A Exactly.

2 Q This is more like our Exhibit F, is it more like a
3 shorter version?

4 A They didn't want a long drawn out version, they wanted
5 a shorter version.

6 Q They being who?

7 A I'm sorry, chief of police.

8
9 MR. EVELYN: Okay. May I publish
those to the court?

10
11 THE COURT: You may.

BY MR. EVELYN:

12 Q Would it be fair to state, officer -- I'm sorry,
13 forgive me.

14
15 THE COURT: I'm sorry, you're going
to move then for D, E and F?

16
17 MR. EVELYN: Yeah. I thought I
already did.

18
19 THE COURT: I heard no objection.

20 MR. EVELYN: I would move the
admission of D, E and F.

21
22 THE COURT: Court would admit D, E
and F.

23
24 MR. WOODARDS: Thank you, your
Honor.

25 BY MR. EVELYN:

1 Q It would be a fair statement would it not, sergeant -- 119
2 strike that.

3
4 Is it a fair statement that you
5 don't know what Officer Collins actual work hours were
6 for 2009 on a daily basis?

7 A I can't recall.

8 Q You don't know, do you?

9 A I know there was twelve to eight, one to nine, two to
10 ten.

11 Q I'm asking you a different question. You don't know
12 the actual hours that he worked, do you?

13 A What you mean, like over?

14 Q When he worked. I'm not requesting a schedule, I'm
15 asking if you know when he actually worked?

16 A Yes.

17 Q When he came to work and when he left?

18 A I can't attest to when he left.

19 Q When did you first become aware that Officer Collins
20 was being investigated in internal affairs?

21 A The day that internal affairs came to the office.

22 Q Which was when?

23 A Sometime in December, first part of December.

24 Q Two thousand and ten?

25 A Two thousand ten. No, was it -- 2000 --

Q Nine?

1 A Nine.

2 Q Right. Who came to the office of internal affairs, if
3 you remember?

4 A I can't recall. I know it was a sergeant and a police
5 officer.

6
7 MR. EVELYN: I'm going to show you
8 some exhibits that have already been admitted. If I
9 can approach the witness?

10 THE COURT: You may, as long as
11 Mr. Woodyard knows, in general, what you're approaching
12 with.

13 MR. WOODYARD: I know. Thank you,
14 your Honor.

15 BY MR. EVELYN:

16 Q I'm going to give you People's Exhibit 2, which is
17 purportedly activity logs of Officer Collins. I'm
18 going to ask you first, if you can look at 'em and tell
19 me if you recognize -- you can identify those?

20 A Yes.

21 Q Okay. Exhibit 3 and by the way, are those -- those
22 signatures that purport to have been your name on them,
23 are those your signatures?

24 A Yes.

25 Q And do you see Officer Collins signature on them?

A Yes.

1 Q You recognize those as his signature? 121

2 A Yes. Yes.

3 Q I want you to look at 4, 5, 6, 8, 9, 10, 11 and well
4 they're also activities logs.

5 THE COURT: Sergeant Lewis, while
6 you're looking through those, can I see counsel over
7 here?

8 (Whereupon a brief discussion was
9 held off the record)

10 BY MR. EVELYN:

11 Q Sergeant, have an opportunity to look and those
12 activities logs, they contain your signature; is that
13 right?

14 A Yes.

15 Q Did you participate in preparing any of those?

16 A It looks like Lieutenant Williams signed them.

17 THE COURT: I can barely hear you.

18 THE WITNESS: I'm sorry.

19 Lieutenant Williams signed, it was checked with me and
20 Lieutenant Williams signed.

21 BY MR. EVELYN:

22 Q On Exhibit 10?

23 A Yes.

24 Q I believe I lost a paperclip where Lieutenant Williams'
25 names appears. Both of you signed it; is that correct?

1 A Right.

2 Q Now any of entries that reflect work activity, did you
3 write any of those entries?

4 A No.

5 Q That would have been all Officer Collins, as far as
6 your concern?

7 A Yes.

8 Q You didn't help him prepare any of these?

9 A No, sir.

10 Q Now did you recall whether you had any conversation
11 with Officer Collins about the need to prepare activity
12 logs because they -- because prior to 2009 he wasn't
13 responsible for preparing them?

14 A I told them everybody had to do activity logs.

15 Q Okay. And did that conversation occur in 2008 or 2009?

16 A In 2008 and 2009.

17 Q Okay. Up to that point in time, he wasn't preparing
18 them; is that correct, up to that point of your
19 conversation, whenever that was?

20 A Exactly.

21 Q And did you tell him that you needed him to prepare
22 some backlogs for days that he already worked?

23 A Yes.

24 Q And he said I can't do that, right?

25 A That's correct.

1 Q Did you attempt to reconstruct activities for a back 123
2 period?

3 A No, sir.

4 Q So you're sure you never prepared any of these activity
5 logs, hold on and none of the writing on this -- on
6 these activity logs that are exhibits that you just
7 looked at for 2009, including entries made by you in
8 your handwriting?

9 A No, sir.

10 Q Or yes, you're sure that didn't happen, right?

11 A That didn't happen.

12 Q Now these activity logs reflect Officer Collins working
13 the shift of eleven to seven or twelve to eight; is
14 that correct?

15 A That's correct.

16 Q So you're sure he never had permission from you, at
17 least, to appear at 2:00 when the activity log may show
18 eleven to seven?

19 A Exactly.

20 Q And you're sure that when the activity log said eleven
21 to seven, that he worked eleven to seven?

22 A That's correct.

23 Q And you could be wrong about that, right?

24 A No, 'cuz he came in -- if he worked eight to eleven, he
25 came in at 11 'cuz we had worked together a couple

1 times at 11 at the schools.

2 Q Well if you're wrong about that, if you're wrong and he
3 actually had permission to come in at two on those days
4 when his activity logs reflect a different time, that
5 would be a department violation by you, wouldn't it?

6 A I wouldn't have known about that.

7 Q But if you sign an activity log that said 11:00 was his
8 start time when his start time was 2:00, then the
9 activity log would be wrong, isn't that correct, at
10 least as far as that information as to when he started;
11 is that correct?

12 A That's correct.

13 Q And you would have been wrong to sign it; is that
14 correct?

15 A That's correct.

16 Q And you could get in trouble for doing that?

17 A Exactly.

18 Q So certainly you're saying that that's not what
19 happened here, that these activity logs are all
20 accurate; is that correct?

21 A That's correct.

22 Q But it's also important that they be accurate otherwise
23 you did something wrong; is that correct?

24 A Exactly.

25 Q If I tell you that other members of his crew -- strike

2 Q His normal start time was 11 or twelve; is that
3 correct?

4 A Eleven or twelve, unless he got permission to start at
5 a later time, which I can't have that authority to
6 give.

7 Q It was always 11 or 12; is that correct?

8 A Yes.

9 Q Did you ever ask for permission to change your schedule
10 hours? Did you ever ask your supervisor could I change
11 my scheduled hours so you could probably supervise your
12 staff?

13 A I worked from ten to six. I would supervise -- I would
14 change my hours periodically, but most of the time I
15 had meetings to attend. So if my hours change, they
16 were due to these meetings.

17 Q Did you ever ask your supervisor for permission that
18 was denied, to change those hours because you felt you
19 needed to change the hours to match up with your crew?

20 A My commanders thought that the hours that I had was
21 matching up with my time supervised my crew.

22 Q I asked a different question. Did you ever ask for
23 permission to change 'em?

24 A No.

25 Q You gave a statement pursuant to an investigative

BETH A. TOMASI, CERTIFIED SHORTHAND REPORTER (3098)

1 subpoena on March the 4th, 2010; is that correct?
2 A Yes.

3 Q Your lawyer was present, a sergeant and Lieutenant from
4 the police department and Wayne County Prosecutor named
5 Ronald Johnson, do you remember that --

6 A Yes.

7 Q -- that day?

8 A Yes.

9 Q I'm going to show you a copy of the transcript from
10 that hearing, page 15.

11 THE COURT: Mr. Walker, you've
12 seen it?

13 MR. WALKER: No, I've never seen
14 it, your Honor, no.

15 THE COURT: And Mr. Woodyard you
16 followed along with the transcript he's reflecting?

17 MR. WOODYARD: I have it. Thank
18 you, your Honor.

19 MR. EVELYN: May I approach the
20 witness?

21 THE COURT: You may. Mr. Walker,
22 you had an opportunity to see it?

23 MR. WALKER: Yes, your Honor. I
24 had a chance to look at pages 15 and 16 of the
25 transcript. I'd like to have a copy of the whole

1 transcript.

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2
3 THE COURT: As an issue for the
4 statute governs, I don't think I can grant your
5 request.

6 MR. EVELYN: The last question
7 would lead me to a different--

8 THE COURT: Likewise, if you wish
9 to move closer to your client I'd be glad to do that.

10 MR. WALKER: That's okay.

11 BY MR. EVELYN:

12 Q Sergeant Lewis, you had a chance to review pages 15 and
13 portions of pages 16 of your testimony investigative
14 subpoena hearing. Do you recall now what I asked you
15 about?

16 A Yes, I do.

17 Q Do you recall that you told D.C. Motley that you wanted
18 to change the hours so that you could more properly
19 supervise the unit?

20 A Yes, I did.

21 Q You want to change the hours?

22 A Exactly.

23 Q Because you weren't around when you're subordinates
24 were working all the time; is that correct?

25 A That's correct.

Q And that includes Officer Collins; is that correct?

1 A That is correct.

2 Q A lot of work he did you weren't around for; is that
3 correct?

4 A Exactly.

5 Q Now Officer Collins would have banquets for his sports
6 programs; is that correct?

7 A That's correct.

8 Q Did you ever attend any of the banquets?

9 A No, sir. I wasn't invited.

10 Q You weren't invited?

11 A No, sir.

12 Q If I tell you that Deputy Chief Godbee was the 2006
13 football game, he was the guest speaker, you're just
14 telling us that you weren't invited, didn't know?

15 A I wasn't invited, didn't --

16 Q Chief Cummins would come to championship basketball
17 games. You would not be invited; is that correct?

18 A No, sir.

19 Q Do you know whether the fellow members of his unit
20 would come to support youth activity?

21 A I have no knowledge of that.

22 Q You didn't feel it was part of your duty as a
23 supervisor, to be there if this is part of what he did
24 for a living and he posted the schedule in the
25 commanders' office, that you should appear at those

1 games so you could be supportive?

2 A As long as the deputy chief and the commanders were
3 going, no, sir.

4 Q You didn't want to go, would that be a fair statement?
5 A Exactly.

6 Q It wasn't really that you weren't invited, you didn't
7 want to go?

8 A I wasn't invited and I'm not a sports person.

9 Q Okay. I understand. Do you know whether either of the
10 programs that Officer Collins was involved in received
11 national awards, programs like the Weed and Seed
12 Program?

13 A I don't know nothing about the Weed and Seed Program.

14 Q I'm sorry, I stepped on your answer. I apologize.

15 A That was before I came to the unit that I have no
16 knowledge of the Weed and Seed Program.

17 Q Do you know whether he got a Spirit of Detroit award
18 from the city council?

19 A I have no knowledge of that.

20 Q Don't know whether he was written up in the newspapers
21 for the activity with --

22 MR. WOODYARD: Objection to the
23 relevance.

24 MR. EVELYN: She's supervising.
25 That's a two -- what he did for a living for the police

1 department, I'm trying to find out whether she knows 131
2 about it.

3 THE COURT: Mr. Woodward?

4 MR. WOODYARD: No, nothing.

5 THE COURT: Overruled.

6 MR. EVELYN: Thank you, Judge.

7 BY MR. EVELYN:

8 Q You did indicate that the mission was to get the
9 community involved with the police department, right?

10 A If that occurred, it occurred before I came to the
11 unit, 'cuz I have no knowledge of it.

12 Q What's the newspaper, what's the newspaper you're
13 referring to?

14 A The newspaper articles, Spirit of Detroit, the Weed and
15 Seed.

16 (Whereupon Exhibit Number G was
17 marked and identified for the record.)

18 BY MR. EVELYN:

19 Q I'm going to show you what's been marked as Defendant's
20 Exhibit G. It's a public document. It's a Spirit of
21 Detroit Award, 2009. You were his supervisor, right?

22 A Yes, I was.

23 Q For his activities in appreciation by the city council
24 for his activities; is that correct?

25 A That's correct.

1 Q In performing his job as a police officer in community 132
2 relations; is that correct?

3 A That's correct.

4 Q And you knew nothing about that?

5 A I don't recall getting this one.

6 Q Do you recall hearing about it?

7 A No, sir.

8 Q So if a police officer under your command gets an award
9 from the city council, a public document for what he
10 does working for you, you don't even know about it; is
11 that your testimony?

12 A That's correct.

13 Q I'm going to show you what's been marked as Exhibit H
14 that was issued on the same date by the Wayne County
15 Board of Commissioners; is that correct?

16 A That's correct.

17 Q Commending Officer Collins for his work?

18 A That's correct.

19 Q Did you know anything about that?

20 A I didn't know anything about this either.

21 Q And he was working for you, working under you when that
22 occurred; is that correct?

23 A That's correct.

24 MR. EVELYN: Working for -- move
25 for the admission of G and H.

1 MR. WOODYARD: Without objection, 133
2 your Honor.

3 THE COURT: Sergeant Lewis, what
4 date do they say they were issued?

5 THE WITNESS: Just, 2009.

6 MR. EVELYN: February 4th, 2009.

7 THE COURT: That's correct,
8 sergeant?

9 THE WITNESS: Yep, February 4th,
10 2009.

11 THE COURT: Court would admit.
12 Thank you.

13 BY MR. EVELYN:

14 Q Now did you attend the police community relations
15 meeting for that district?

16 A Yes.

17 Q And were you at that meeting, which is a community
18 relations meeting, whenever one received that award?

19 A I can't recall because all of them had gotten one too.

20 Q Well, if I told you that everybody in the unit got an
21 award like that that day and it was a police community
22 relations meeting, is it your testimony that you don't
23 recall that happening?

24 A I don't recall it.

25 Q Were you there?

1 A I'm pretty sure I was.

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2 Q Then you would have gotten one too?

3 A I don't have one.

4 Q Didn't you get one?

5 A No, sir.

6
7 THE COURT: You said G and H are
8 two separate -- I don't know what you're referring to.
9 BY MR. EVELYN:

10 Q You would have gotten each -- strike that.

11 If I told you that these awards
12 were presented, not only to Officer Collins but to the
13 other members of the police community relations unit in
14 the Eastern District by Councilwoman Brenda Jones at a
15 community relations meeting, is it your testimony that
16 you don't recall the meeting?

17 A I don't recall the awards being given out and I can't
18 recall attending the meeting either. That was in 2009?

19 Q Yes, February 4th, 2009.

20 A I really can't recall.

21 Q On the intuitive reports that are marked already that
22 were admitted, those reports don't contain any of the
23 officers names that were involved in those activities?

24 A Exactly.

25 Q Did you delete them?

A No.

1 Q So in the original reports that were brought up in
2 demands, you didn't put the officers names on them?

3 A The names are never in the reports. I do the report,
4 the report go to -- I e-mail it to the commanding
5 officer, the commanding officer, in turn, makes all the
6 corrections needed for that report and then they send
7 that report down to the chief's office.

8 Q Did you know -- you know who Commander Moore is; don't
9 you?

10 A Yes.

11 Q Was he one of your supervisors?

12 A Yes.

13 Q Superiors?

14 A Yes.

15 Q Do you recall Commander Moore approaching you in 2008
16 and asking you to have Officer Collins run a city-wide
17 basketball program?

18 A Yes, I do.

19 Q When was that?

20 A I can't recall when it was, but he spoke with Officer
21 Collins about running that city-wide basketball
22 program.

23 Q But Commander Moore approached you, said he wanted you
24 to have a city-wide basketball program?

25 A Yes. He said he wanted to talk to Officer Collins, but

1 I can't recall what month or year it was.

2 Q Did you approach Officer Collins and tell them that
3 Commander Moore wanted to run a city-wide basketball
4 program?

5 A I told him that Commander Moore, that I wanted -- that
6 Commander Moore wanted to talk to him.

7 THE COURT: Does Commander Moore
8 have a first name?

9 THE WITNESS: James. I'm sorry.

10 BY MR. EVELYN:

11 Q But and that would be a program --

12 A Yes.

13 Q -- a basketball program?

14 A Yes.

15 Q That was in 2008?

16 A I can't say.

17 Q You don't recall when that was?

18 A No, I can't.

19 Q Could have been in 2008?

20 A Could have been.

21 Q And did you make any notations of that anywhere?

22 A No, I did not.

23 Q And did you speak to Officer Collins in person about
24 that?

25 A Yes, I did.

1 Q And do you have any personal knowledge of whether he
2 contacted the Officer Moore -- Commander Moore?

3 A I'm pretty sure he did.

4 Q Did Commander Moore follow-up with you at all?

5 A No. No, sir, he didn't.

6 Q Did you follow-up with Officer Collins and say what
7 happened with that program, that's a community affairs
8 program that I want to know about it, what's going on
9 with it, did you ask him anything about that?

10 A I can't recall asking anything about it.

11 Q Does that mean you don't know if you did or not?

12 A I don't know if I did or not. I can't recall.

13 MR. EVELYN: That's all I have,
14 Judge.

15 THE COURT: Sergeant Lewis, you can
16 step down. During the side bar I had while you were
17 looking at the exhibits, we're going to come back on
18 another day for cross-examination.

19 THE WITNESS: Okay.

20 THE COURT: By the people. That
21 would have me tell you to remember that you've been
22 served with a subpoena and we expect you back on that
23 day. If you'll hang on, certainly you can help us pick
24 a day, 'cuz I don't want to pick a day that you're not
25 otherwise available.

1 THE WITNESS: Should I sit here? 138
2

3 THE COURT: Or you can sit in the
4 pew, whichever you like. And that's to say as to those
5 numbers, exhibits, those exhibits that the sergeant was
6 looking at, Mr. Woodyard, do you have them back?

7 MR. WOODYARD: Yes.

8 MR. EVELYN: The activity logs, I
9 gave them back to you.

10 MR. WOODYARD: Yes. I got them. I
11 got them. Thank you.

12 THE COURT: Gentlemen?

13 MR. EVELYN: Next week is no good
14 for me, Judge, 'cuz I'm going to be in trial before
15 Judge -- well, I guess I could do Friday afternoon.
16 No, that -- I have a motion.

17 MR. EVELYN: We could do the 24th.
18 That's the week --

19 MR. WOODYARD: I'm clear that
20 entire week, your Honor.

21 THE COURT: We have the 25th or the
22 26th. Aside from your cross, cross from Sergeant
23 Lewis, how many other witnesses?

24 MR. EVELYN: I think there are two
25 others.

THE COURT: And how long do you

1 expect, together, they'll be?

2 THE WITNESS: Half an hour.

3 THE COURT: So an afternoon would
4 work?

5 MR. EVELYN: Oh, yes.

6 MR. WOODYARD: Either of those
7 dates.

8 THE COURT: Either is fine, 'cuz
9 I'll move what's there because this is a felony
10 preliminary exam, those are civil matters I'll move.
11

12 MR. EVELYN: Tuesday afternoon,
13 Judge.

14 THE COURT: Okay. If you'll fill
15 out the continuance form then for me and then you can
16 pick up Exhibit A, C through H and the exhibit --

17 MR. EVELYN: You want to say 1:30
18 so your staff can have a lunch?

19 THE COURT: Let's say 1:30.

20 MR. WOODYARD: Your Honor --

21 THE COURT: We're coming on the --

22 MR. WOODYARD: Twenty-fifth, 1:30.

23 THE COURT: Is that good for you,
24 Mr. Walker?

25 MR. WALKER: Yes, your Honor. Will
it be in this courtroom?

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THE COURT: It won't be in this courtroom. It will be back in 331, which is where I'm normally found and Sergeant Lewis, the 25th is a good day for you? 140

THE WITNESS: Yes, ma'am.

THE COURT: Thank you. See you all at 1:30. People have an objection that bond continue, Mr. Collins' bond continue?

MR. WOODYARD: No objection.

THE COURT: Court will order today's transcript, Mr. Woodyard, probably won't be ready until the lunchtime on the 24th, at least you will have a chance to peruse it on the 25th.

MR. WOODYARD: That's great. Thank you.

THE COURT: The Court will order at the court's expense because of the ongoing nature.

(Proceedings adjourned at approximately 3:30 p.m.)

1 exhibit's been admitted. It lists a series of
2 football games, is that correct?

3 A. That's correct.

4 Q. And they run from September 19th through
5 October 24th, right?

6 A. I believe so.

7 Q. And they are all on Saturday?

8 A. Appears to be so, yes.

9 Q. Is that correct?

10 A. That's correct it's on Saturdays.

11 MR. EVELYN: I have nothing further.

12 MR. WOODYARD: I have nothing else.

13 Thank you, Judge.

14 THE COURT: Members of the jury,
15 does anyone have any questions of this witness?
16 Please raise your hand if you have a question.
17 Thank you. You may step down. You may call your
18 next witness.

19 THE CLERK: Do you solemnly swear or
20 affirm that the testimony you will give in the
21 matter now pending before the Court will be the
22 truth so help you God?

23 MS. LEWIS: I do.

24 M A T T I E L E W I S

25 called as a witness at 2:13 p.m., testified

1 upon her oath as follows:

2 DIRECT EXAMINATION

3 BY MR. EVELYN:

4 Q. Can you state your name for the record,
5 please?

6 A. Sergeant Mattie Lewis.

7 Q. And judging by your uniform, can I assume
8 that you are a Detroit Police officer?

9 A. Yes, I am.

10 Q. And for how long?

11 A. For 24 years and 11 months.

12 Q. One month, you'll have 25 years then?

13 A. Exactly.

14 Q. Have any plans after you hit the 25 year
15 mark?

16 A. I'm going to Mississippi.

17 Q. Okay. Let me ask you. Did you ever have
18 as assignment to be the supervisor of the Community
19 Relations Unit at the Eastern District, Eastern
20 District Police Department?

21 A. Yes, I did.

22 Q. And when was that?

23 A. If I'm not mistaken, it was in 2006.

24 Q. 2006 through 2009?

25 A. Through 2010.

1 Q. 2010, I'm sorry. Thank you. And had you
2 ever run a Community Relations Unit before that
3 time?

4 A. I was Community Relations sergeant at the
5 Fifth Precinct for about six months.

6 Q. When was that?

7 A. That was in 2004.

8 Q. Who was your supervisor then?

9 A. Hilton Napoleon, Inspector Hilton
10 Napoleon.

11 Q. There came a point in time where the Fifth
12 and the Ninth Precincts were merged into the
13 Eastern District, is that right?

14 A. That is correct.

15 Q. And do you recall when that was, whether
16 it be 2004, 2005?

17 A. I'm thinking it was 2005.

18 Q. And who gave you your assignment to be
19 head of the Community Relations Unit in the Eastern
20 District in 2006?

21 A. Chief Godbee.

22 Q. And that's the same Chief Godbee who's the
23 chief of police now?

24 A. That's correct.

25 Q. Was he a deputy chief then?

1 A. Yes, he was.

2 Q. Did he personally give that you
3 assignment?

4 A. Yes, he did.

5 Q. And was that going to be a permanent
6 assignment, if you know? Was it going to be
7 temporary?

8 A. It was going to be temporary until they
9 found someone else to fill the slot.

10 Q. Is that what was communicated to you when
11 you received the assignment?

12 A. That's correct.

13 Q. But you end up staying there for three
14 years, four years?

15 A. Exactly.

16 Q. Were you at the Eastern District when he
17 gave you this assignment?

18 A. Yes, I was.

19 Q. So did you have a meeting with any of your
20 staff?

21 A. I think we did. I'm not sure.

22 Q. Do you know Jerome Collins?

23 A. Yes.

24 Q. And was he assigned to your detail in
25 Community Relations?

1 present, if you know?

2 A. 'Cause Mr. Collins was to report --

3 MR. WOODYARD: I'd object if it
4 calls for hearsay, Judge.

5 THE COURT: Sustained.

6 Q. (By Mr. Evelyn) Did Mr. Collins report to
7 you?

8 A. No.

9 Q. Was that part of the assignment? Was part
10 of the assignment for him to report to you?

11 A. No.

12 Q. Who was he supposed to report to?

13 MR. WOODYARD: Objection, hearsay,
14 Judge.

15 MR. EVELYN: I mean --

16 THE COURT: If she knows who he's
17 supposed to report to, she can state that.

18 MR. WOODYARD: My concern, Your
19 Honor, is the only way she could know that is if
20 somebody told her something.

21 MR. EVELYN: How do you get an
22 assignment, though, Judge?

23 THE COURT: If she works at a
24 certain place and she knows who's someone's boss,
25 that is not necessarily hearsay. The Court will

1 allow that.

2 MR. WOODYARD: Thank you, Judge.

3 Q. (By Mr. Evelyn) Who was he supposed to
4 report to?

5 A. The chief.

6 Q. So everyone in the unit reported to you.
7 Jerome Collins reported directly to the deputy
8 chief?

9 A. Exactly.

10 Q. Now were there other members of the unit
11 besides Mr. Collins, Officer Collins?

12 A. Yes, it was.

13 Q. Was there an Officer Burt?

14 A. Yes.

15 Q. Officer Robbins?

16 A. Yes.

17 Q. Officer Brownlee?

18 A. Yes.

19 Q. Was there an Officer Phillip Curtis?

20 A. Yes.

21 Q. Was there is an Officer Borden?

22 A. Yes.

23 Q. Did Phillip Curtis's wife also work in
24 that unit?

25 A. Yes, she did.

1 Q. Would it be a fair statement that when you
2 took over the unit, there were no activity logs
3 being done by members of that unit?

4 A. That is correct.

5 Q. That included Jerome Collins?

6 A. Yes.

7 Q. Police officers still got paid, didn't
8 they?

9 A. Yes.

10 Q. There came a point in time when activity
11 logs were implemented for that unit, is that right?

12 A. That's correct.

13 Q. And there even came a point in time where
14 you were told to make sure that Officer Collins did
15 activity logs, is that correct?

16 A. That's correct.

17 Q. And did you ever have a conversation with
18 him about the fact that you had been directed to
19 make sure that activity logs were done, and as a
20 result of that, you asked him to do some back
21 dating of some logs?

22 A. Yes.

23 Q. Or to recreate some?

24 A. No, I told him he had to start doing them.

25 Q. But did you also tell him to back date

1 some?

2 A. I don't recall telling him to back date
3 them.

4 Q. Between the time that you were, I believe
5 you said you had the unit from 2006 to 2010, is
6 that correct?

7 A. That's correct.

8 Q. And how many different deputy chiefs did
9 you have to report to in that time frame?

10 A. Deputy Chief Motley. She was the only
11 deputy chief we had at that time. The rest were
12 commanders and inspectors.

13 Q. How many different commanders did you
14 have?

15 A. Commander Moreland, Commander Delant
16 (pht.), Commander Powers.

17 Q. Do you know why there was so much
18 turnover, if you know?

19 A. No. We had a couple more commanders. I
20 can't think of their names.

21 Q. Now did Officer Collins ever, ever have
22 any other responsibility -- strike that.

23 Did you know at the time you took
24 over the unit what Officer Collins' duties were?

25 A. No, I did not.

1 Q. Did you know whether he was involved in
2 sports programs when you took over the unit?

3 A. No, I did not.

4 Q. Did that ever become something that you
5 became aware of?

6 A. Yes, I did.

7 Q. And you know about when that was, if you
8 recall?

9 A. I really can't recall.

10 Q. So at some point in time, you take over
11 the unit. He's already doing whatever he's doing,
12 is that correct?

13 A. That's correct.

14 Q. And you're not really engaged in active
15 supervision because you have been directed that he
16 was supposed to report to --

17 MR. WOODYARD: I will object. It's
18 leading, Judge.

19 THE COURT: Sustained.

20 Q. (By Mr. Evelyn) For the reasons you
21 already testified, you were not supervising him
22 directly, is that correct?

23 A. That's correct.

24 Q. Deputy Chief Motley takes over. And is he
25 given some additional duties at that point?

1 A. Yes, he is.

2 Q. What are those?

3 A. He is to go to the schools to write MUP
4 (pht.) miscellaneous tickets, for students hanging
5 outside of school during school hours and school
6 crossing.

7 Q. And did he do that?

8 A. Yes.

9 Q. And throughout the time that you
10 supervised, well, throughout the time that you were
11 involved in any supervision of Officer Collins, did
12 he perform his job?

13 A. Yes, he did to the best of my knowledge.

14 Q. You never had reason to think he wasn't
15 performing his job?

16 A. No.

17 Q. You never had -- strike that.

18 What about home surveys for B & E's?
19 Did he ever have a role in that?

20 A. I can't recall anyone enrolling in it.
21 Those were fliers he had to go door to door, put in
22 those 1-800-SPEAKUP.

23 Q. He would put those on the doors?

24 A. On the door knob.

25 Q. Of people who had --

1 A. B & E's.

2 Q. B & E's, okay. Do you know when he
3 started doing that? You said whenever Deputy Chief
4 Motley took over, is that when that happened?

5 A. No, he started doing that when Commander
6 Delant took over.

7 Q. Do you know what year that was?

8 A. I want to say 2007, 2008.

9 Q. Did he work a flexible schedule?

10 A. Yes.

11 Q. Did there come a point in time when you
12 became more aware of his athletic activities that
13 he was involved in for the department?

14 A. No.

15 Q. Did you ever do any reports?

16 A. What do you mean by reports?

17 Q. Initiative reports.

18 A. Oh, yes, I did.

19 Q. And what are initiative reports?

20 A. What is going on in the Eastern District
21 for that a year.

22 Q. And why did you have to do initiative
23 reports?

24 A. It originally got started with Chief
25 Godbee.

1 Q. Okay. I'm going to approach the witness,
2 have this marked.

3 I'm going to show you what's been
4 marked as Defendant's Exhibit K. It's a copy of
5 something that was generated on an interoffice
6 memorandum. Can you tell me what that is?

7 A. This is the initiative program that they
8 wanted downtown to see what was going on in the
9 Eastern District for that year.

10 Q. Now is that something you prepared?

11 A. Yes, I did.

12 Q. And when you prepared that, what did you
13 do with it?

14 A. I would e-mail it to the deputy chief --
15 not the deputy chief, the commander. And the
16 commander would go over it, and they would send it
17 to the chief.

18 Q. Those are copies of documents that you had
19 to replicate, is that correct?

20 A. That's correct.

21 Q. You download them off your computer?

22 A. Yes.

23 Q. And we received a court order directing
24 the department to produce their originals. And
25 that never happened to your knowledge, did it?

1 A. Not to my knowledge.

2 Q. The only person that was able to produce
3 any was the ones that came off your computer, is
4 that correct?

5 A. That's correct.

6 Q. But you have copies, but they're on the
7 same kind of memorandum format, is that correct?

8 A. Yes.

9 Q. Now the date at the top of that memorandum
10 says November 29th, 2010, is that correct?

11 A. That's correct..

12 Q. Is that when this was done?

13 A. No, sir, it was not.

14 Q. Why is that date in there?

15 A. That date automatically comes up on the
16 computer once you click on.

17 Q. So that as a result of you requesting the
18 printout that had already been done?

19 A. Exactly.

20 Q. Is there any description of athletic
21 programs in that report?

22 A. Pitch, hit and run.

23 Q. What's pitch, hit and run?

24 A. I have no idea. That was something that
25 Commander Moreland, Commander Serta (pht.) gave

1 him. It was an assignment.

2 Q. Commander Serta was the assignment they
3 gave to Officer Collins?

4 A. Yes.

5 Q. Did he often get assignments from
6 commanders?

7 A. Yes.

8 Q. Did you get that information for that
9 report from Officer Collins?

10 A. I got this information from commander,
11 from the commander.

12 Q. From Commander Serta?

13 A. Yes.

14 Q. About a program that Officer Collins was
15 responsible for, is that correct?

16 A. That's correct.

17 Q. And this was to go to the chief's office,
18 is that correct?

19 A. Correct.

20 Q. And do you know what the purpose for it
21 was other than to explain what you were doing?

22 A. I have no the idea.

23 Q. Do they have Community Relations offices
24 in each district?

25 A. Yes, they do.

1 Q. Do you know where the Eastern District was
2 supposed to generate reports like that?

3 A. I don't know about every other district,
4 but I know we had to do one.

5 MR. EVELYN: Have a moment, Your
6 Honor.

7 Q. (By Mr. Evelyn) I'm going to show you a
8 document that's marked Defendant's Exhibit L.
9 That's another initiative report that you prepared?

10 A. Yes, it is.

11 Q. Does it describe any of the sports
12 programs on there?

13 A. It says, Youth Initiative.

14 Q. And what's the Youth Initiative that you
15 describe in there?

16 A. It's an Eastern District league. It's a
17 basketball team and football team.

18 Q. And was that something Officer Collins
19 ran?

20 A. Yes.

21 Q. And where'd the information come from for
22 you to put in that report? Did it come from him?
23 Did it come from someone else?

24 A. It came from Officer Collins.

25 MR. WOODYARD: I'd object, Judge.

1 It's hearsay. I move that it be stricken.

2 THE COURT: Sustained.

3 MR. EVELYN: I'd move that's the
4 next exhibit, Your Honor.

5 MR. WOODYARD: I object to the
6 admission of these hearsay documents.

7 MR. EVELYN: They are not hearsay
8 documents. She prepared them herself, Your Honor.

9 Q. (By Mr. Evelyn) This the report you sent
10 through channels to your commanding officer up to
11 the chief of police, is that correct?

12 A. That's correct.

13 Q. And it documents, among other things,
14 youth programs, is that correct?

15 A. That's correct.

16 MR. EVELYN: Move to admit the
17 documents, Your Honor.

18 MR. WOODYARD: Judge, it doesn't
19 matter to whom this was sent or who wrote it. The
20 question is what the content of the document is.
21 And by the witness's own testimony, at least the
22 parts that she's managed to read into the record
23 now, they're things that she was told.

24 It's hearsay, Judge. And under 805,
25 hearsay within hearsay must still conform to a

1 requirement of Michigan Rules of Evidence.

2 MR. EVELYN: It was something done
3 in the normal course of her business, Your Honor.
4 She was required to prepare this. It's clearly a
5 business record of regularly connected activity she
6 did.

7 THE COURT: May I see the record,
8 please?

9 MR. EVELYN: May I approach, Your
10 Honor?

11 THE COURT: Yes. And you can go
12 ahead and question her and lay the foundation, and
13 then I'll let counsel cross-examine as to whether
14 this is -- go ahead.

15 Q. (By Mr. Evelyn) You were the supervisor
16 of the Community Relations Unit in the Eastern
17 District, is that correct?

18 A. That's correct.

19 Q. And you had certain duties that were
20 assigned to you as a part of that job, is that
21 correct?

22 A. That's correct.

23 Q. Given to you by Chief Godbee, is that
24 correct?

25 A. Yes.

1 Q. Was one of your responsibilities to
2 document on a periodic basis the work of that unit?

3 MR. WOODYARD: Judge, it's leading.
4 Objection.

5 THE COURT: I'll allow this for the
6 foundation whether this is a business record or
7 not, and you can cross-examine as to the issue
8 whether this is a business record.

9 MR. WOODYARD: Thank you, Judge.

10 Q. (By Mr. Evelyn) Was this something you
11 were required to do by your commanding officer?

12 A. That report?

13 Q. Yes.

14 A. Yes.

15 Q. And you didn't just do it because you
16 wanted to do it. You did it because you were
17 required to do it?

18 A. That's correct.

19 Q. And you would have been in trouble had you
20 not done it, is that correct?

21 A. They would have wanted to know why it was
22 late.

23 Q. And you did those on an annual basis?

24 A. Yes.

25 Q. You did those for 2005 and 2006, 2007 and

1 2008?

2 A. I can't recall all of those years, but I
3 know I did it for 2007.

4 Q. And did you do that on departmental
5 memorandum?

6 A. Yes, I did.

7 Q. Why?

8 A. Because it was a department issue.

9 Q. And where did you submit that document?

10 A. (No response).

11 Q. On the title of it it says, Commander's
12 Office, Eastern District Through Channels?

13 A. Through channels mean it go to the
14 commanding officer first, and from there, it go to
15 the chief.

16 THE COURT: All right. Do you have
17 some questions on this?

18 MR. WOODYARD: I do, Judge.

19 THE COURT: Go ahead.

20 Q. (By Mr. Woodyard) Sergeant Lewis, the
21 information that you put into these initiative
22 reports, the facts that you set forth in them --
23 are you all right?

24 A. Yeah.

25 Q. Do you need a glass of water?

1 A. Yes.

2 Q. We'll -- thank you.

3 A. Thank you.

4 Q. Are you all right? We'll wait just a
5 second. Can you talk?

6 A. I can talk.

7 Q. The facts that you put in them, did you
8 know those facts from having personal knowledge,
9 having seen the things that were going on?

10 A. The majority of it was personal facts that
11 I saw.

12 Q. Okay.

13 A. But like the pitch, hit and run, I didn't
14 see that.

15 Q. Other than people told you about it, said
16 put this in the report?

17 A. Yes.

18 Q. Let me ask you specifically about the
19 Eastern District League that you write about. Is
20 that something that you saw with your own eyes, or
21 is that something someone told you about?

22 A. Something someone told me about.

23 Q. Thank you, ma'am.

24 (Proceedings stenographically
25 recorded, but not ordered transcribed.)

1 Q. (By Mr. Evelyn) Initiative reports didn't
2 just include basketball and football programs, it
3 included other things, right?

4 A. Yes.

5 Q. Blood drives and other things the
6 Community Relations Department was doing, is that
7 right?

8 A. That's correct.

9 Q. Now these sports programs that you
10 reported on that Officer Collins was involved in,
11 this is part of what he did for the department,
12 isn't that correct?

13 A. I can't testify to that.

14 Q. You included it in your report, though,
15 didn't you?

16 A. Right, I was told to.

17 Q. So as far as you were concerned, it was
18 the business of the police department?

19 A. Right.

20 Q. Now you never attended any of the football
21 games or basketball games, is that correct?

22 A. That's correct.

23 Q. You never attended any of the sports
24 activities, is that correct?

25 A. That's correct.

1 Q. And did you attend the program -- do you
2 know that Officer Collins received a Spirit of
3 Detroit Award 2009 and a commendation from the
4 Wayne County Board of Commissioners?

5 A. That's correct.

6 Q. Were you present at the community meeting
7 where he got that award -- those awards?

8 A. I don't recall being present at the
9 meeting.

10 Q. Now do you know whether Officer Collins --
11 strike that.

12 Was there ever a football schedule
13 posted in the Community Relations office?

14 A. It was posted in the commander's office.

15 Q. And who was the commander?

16 A. At that time, it was Commander Moore.

17 Q. And why was it posted in the commander's
18 office?

19 A. He asked for it.

20 Q. Would you know what the schedule looked
21 like if you saw it?

22 A. I wouldn't, but I can look at it.

23 Q. You wouldn't, but you could look at it?

24 A. Yeah.

25 Q. Let me show you what's been admitted as

1 Exhibit J and ask you if this looks like the
2 schedule. It's a copy, so it's not the same color.

3 A. Okay.

4 Q. Have you looked at it?

5 A. I looked at it.

6 Q. Do you recognize it at all?

7 A. Kind of.

8 Q. Could be you're not sure?

9 A. Yes.

10 Q. You know it was a schedule, a football
11 schedule was posted in the commander's office, is
12 that right?

13 A. Correct.

14 Q. And the one that you've been shown could
15 be the schedule, is that right? You're not sure?

16 A. I'm not sure, but it could be.

17 Q. Did you ever really look at the schedule?

18 A. No. Commander asked for it, so I gave it
19 straight to him.

20 Q. So you only saw it when you gave it to the
21 commander?

22 A. That's correct.

23 Q. And you got it from Officer Collins?

24 A. Yes.

25 Q. So Collins gives it to you. You give the

1 to the commander, is that right?

2 A. Right.

3 Q. And ultimately it ends up being posted in
4 his office?

5 A. Yes.

6 Q. So everybody could see it that went in
7 there, is that right?

8 A. That's correct.

9 Q. Whose decision was it to actually post it
10 in the office?

11 A. I guess the commander.

12 Q. You don't know. You didn't
13 post it in the office?

14 A. No, I didn't.

15 Q. You didn't supervise Officer Collins in
16 sports activities. You don't know how much time he
17 spent on them, is that correct?

18 A. That's correct.

19 Q. You don't know when he took care of those
20 activities?

21 A. No, I do not.

22 Q. You don't know if he worked on weekends,
23 is that right?

24 A. That's correct.

25 Q. You don't know if he was there late in the

1 evenings?

2 A. That's correct.

3 Q. You worked the day shift, is that right?

4 A. Right.

5 Q. So and you, that means you would have been
6 working from what to when, eight to four?

7 A. It depends. My hours range from eight to
8 four, nine to five, eleven to seven, two to ten
9 depending on what's scheduled for that day.

10 Q. Did you ever ask your supervisor if you
11 could change your schedule so you could be in a
12 better position to supervise your unit?

13 A. Yes.

14 Q. And that was refused?

15 A. Yes.

16 Q. Now with regard to the initiative reports,
17 what is your understanding of what would happen to
18 that report? You prepare it. You submit it
19 through channels. Are copies retained anywhere?

20 A. Supposed to be retained in the front
21 office as far as my knowledge.

22 Q. So you're saying you're supposed to keep a
23 copy in the front office?

24 A. They're supposed to.

25 Q. Now I asked you earlier about whether you

1 ever asked Officer Collins to back date activity
2 logs after you were told you had to prepare them.
3 You said you don't recall telling him that,
4 correct?

5 A. Right.

6 Q. I'm going to show you a copy of your
7 preliminary examination testimony. This is
8 testimony that you gave on January 12th, 2010,
9 before Judge Kathryn Hansen, 36th District Court.
10 I'm going to show you page 122. I have highlighted
11 it. You can read that and any other portion that
12 you think you need to refresh your recollection.

13 A. Okay.

14 Q. Do you recall that?

15 A. Yep.

16 Q. Do you recall testifying that you asked
17 him to back date his activity logs, and he refused
18 to do so?

19 A. Yes. I would have to go by what I see
20 here because I can't think back that far.

21 Q. You don't -- that's what the transcript
22 says, right?

23 A. Right.

24 Q. And you're not prepared to dispute that,
25 is that right?

1 A. Right.

2 Q. But you just don't recall it?

3 A. Exactly.

4 Q. I understand. Now there were several
5 sporting events that were attended by command
6 officers. You never went to any of those, is that
7 right?

8 A. That's correct.

9 Q. You didn't go to -- do you remember Sandra
10 Talbot?

11 A. Yes.

12 Q. Did you ever work under her?

13 A. Yes.

14 Q. Do you recall a basketball program that
15 Officer Collins -- that you reported about in your
16 initiative report that Officer Collins did for the
17 Eastern District?

18 A. I don't recall that when Commander Talbot
19 was there. That was in another unit.

20 Q. But you nevertheless never attended any of
21 the events, is that correct?

22 A. That's correct.

23 Q. And was that because you just felt that
24 wasn't part of your responsibilities, or you didn't
25 want to do it, or can you give us a reason why you

1 didn't go to any of those events? Did you not know
2 about them?

3 A. I didn't know about them, and I'm not a
4 sports person.

5 Q. But after you began to put them in your
6 initiative reports, did you feel like maybe you
7 should go and see what's going on since I'm writing
8 about it?

9 A. No.

10 Q. Did Commander Moore ever direct you to
11 have Collins start a citywide basketball --

12 MR. WOODYARD: Objection, calls for
13 hearsay, Judge.

14 THE COURT: Sustained.

15 Q. (By Mr. Evelyn) Did you ever approach
16 Officer Collins about starting a program called the
17 Citywide Basketball Program?

18 A. I recall telling him commander was talking
19 about a citywide basketball game -- team.

20 Q. And that was Commander Moore?

21 A. Yes.

22 Q. Do you remember when that was?

23 A. No.

24 Q. Do you recall whether this was, any
25 followup to find out if that happened, or was that

1 something you just were communicating to him?

2 A. That was just something I communicated.

3 That was it.

4 MR. EVELYN: I have no further
5 questions at this time.

6 CROSS-EXAMINATION

7 BY MR. WOODYARD:

8 Q. Sergeant Lewis, good afternoon.

9 A. Good afternoon.

10 Q. The responsibility you were assigned when
11 you were the Community Relations sergeant was to
12 supervise the Community Relations Unit, is that
13 correct?

14 A. That's correct.

15 Q. And that unit consisted of nine officers,
16 is that correct?

17 A. That's correct.

18 Q. And I'm talking now, all of my questions
19 are going to only deal with 2009 unless I say
20 different, okay?

21 A. Okay.

22 Q. So during 2009, there were between seven
23 and nine officers who reported to you depending on
24 whether or not there were changes in the
25 assignments?

1 A. Correct.

2 Q. Is that fair? And you were the only
3 sergeant, right?

4 A. Right.

5 Q. And you worked a regular shift five days a
6 week whatever was required of you by the
7 department?

8 A. Right.

9 Q. Did you work more than five days a week
10 generally or not?

11 A. The way our leave days are, it's a Monday
12 through Friday, weekend off, but you can work
13 through that weekend and have other days off during
14 the week.

15 Q. But generally, any 28-day period, you have
16 four leave days, is that right, or eight leave
17 days?

18 A. Eight.

19 Q. Thank you very much for correcting me. So
20 you get two days off every week whether it's Friday
21 and Saturday, Saturday and Sunday, that might
22 change, right?

23 A. Right.

24 Q. Two days off?

25 A. That's correct.

1 Q. And that was the schedule that you
2 followed, right?

3 A. Right.

4 Q. When you were in charge of the Community
5 Relations Unit, you would keep tabs on what the
6 officers who reported to you were doing, is that
7 fair?

8 A. That's fair.

9 Q. And that was because your responsibility
10 to your superior for the performance of the
11 officers who report to you?

12 A. That's correct.

13 Q. Because if there were not -- you talked
14 about these hang tags for B & E's. If those
15 weren't getting put on the doors and that made its
16 way back to channels to your boss, you would get
17 asked about that, right?

18 A. That is correct.

19 Q. Generally your boss or their boss or the
20 commander of the district wouldn't go to the line
21 officer who's responsible. They go to that
22 person's supervisor generally?

23 A. Yes, they would.

24 Q. And that would be you?

25 A. That would.

1 Q. Now one of the things that you had to do
2 when you were the sergeant in charge of the
3 Community Relations Unit was fill out time reports,
4 is that right?

5 A. Time reports?

6 Q. Yeah. Let me show you -- and I might be
7 wrong about that -- number eight. I want to show
8 you something, and tell me if this is something you
9 had to fill out.

10 A. Oh, the time book.

11 Q. Time book?

12 A. Yes.

13 Q. So you did fill this out?

14 A. Yes.

15 Q. All right. And that would have been
16 filled out by you for the whole time that you were
17 the sergeant there?

18 A. If I wasn't there, somebody else would
19 have done it.

20 Q. Like if you were on leave or vacation or
21 furlough I think you call it?

22 A. Exactly.

23 Q. Now the time books that you filled out
24 every week that you were there had Officer Collins'
25 name on it, right?

1 A. Right.

2 Q. Along with seven or eight other police
3 officers?

4 A. That is correct.

5 Q. Now you testified a moment ago that I
6 believe Mr. Evelyn asked you a question such along
7 the lines of if you know what Officer Collins'
8 hours were? Do you know if he worked weekends? Do
9 you know if he worked evenings, and said you don't
10 know?

11 A. Right.

12 Q. But in fact, you do know what his hours
13 were, don't you?

14 A. Yeah, Monday through Friday.

15 Q. Where did you get the information to put
16 on this time book, from his activity logs, right?

17 A. From activity logs and viewing the
18 officers coming in.

19 Q. Say that last part?

20 A. Seeing the officers coming in. I'm sorry.

21 Q. No, no. I want to make sure I understand.
22 So from the activity logs that the officers filled
23 out and from actually seeing them yourself as they
24 came in and out?

25 A. Yes.

1 Q. So that information gave you the
2 opportunity to go ahead and fill out the time
3 report, correct?

4 A. That's correct.

5 Q. So if, for example, Officer Collins was
6 not working, you would not have put him down as
7 working?

8 A. That's correct.

9 Q. Now we have entered into evidence the
10 activity logs that we, under Exhibit 1. Do you
11 know -- let me ask you this. Do you know whether
12 Officer Collins filled out an activity log everyday
13 that he worked during 2009?

14 A. 2009?

15 Q. Yes, ma'am.

16 A. I can't definitively say yes, and I can't
17 definitively say no.

18 Q. If an activity log were not filled out,
19 how would you get the information to fill in the
20 time book?

21 A. I would see them.

22 Q. You would see them, all right. Did you
23 testify already that Officer Collins was a Monday
24 through Friday employee?

25 A. We all worked.

1 Q. So generally Community Relations did not
2 work weekends?

3 A. Unless we had a special assignment.

4 Q. The NCAA tournament, for example, that was
5 a --

6 A. Yeah, or they would assign us out to other
7 details.

8 Q. But that was the exception rather than the
9 rule?

10 A. Right.

11 Q. Generally Monday through Friday?

12 A. Exactly.

13 Q. What was Officer Collins' general shift on
14 the Monday through Friday assignment? Was he
15 generally working days, afternoons, if you
16 remember?

17 A. It would fluctuate. All of our hours
18 would fluctuate, plus it's not really a set shift,
19 Community Relations. Anything can pop up.

20 Q. Okay.

21 A. So you have to go with the flow.

22 Q. You would generally work eight hours?

23 A. Right.

24 Q. When you say go with the flow, does that
25 mean sometimes you would work eleven to seven, and

1 sometimes you would work noon to eight?

2 A. Exactly or two to ten.

3 Q. Or two to ten. It does not mean that
4 sometimes you wouldn't come in from two to ten, but
5 you would work on the weekends to make it up?

6 A. No.

7 Q. These initiative reports that you talked
8 about that I guess they've been admitted now, the
9 ones you have in your hand there --

10 A. Right there.

11 Q. Sit tight.

12 Judge, can I grab this? Thank you.

13 They don't have Officer Collins' name in them
14 anywhere, do they?

15 A. No.

16 Q. In fact, the only names that appear on
17 those several pages is your name and then a fellow
18 named Rios is mentioned a couple times, Officer
19 Rios. He or she was apparently involved in a child
20 seat safety inspection type program. Does that
21 sound familiar?

22 A. Yes, he was.

23 MR. WOODYARD: Thank you. I don't
24 have anything else.

25 REDIRECT EXAMINATION

1 BY MR. EVELYN:

2 Q. Just very briefly. What's the daily
3 detail?

4 A. Daily detail is a sheet we fill out
5 everyday detailing what each officer's working, the
6 time and their assignments.

7 Q. I'm going to show you -- may I approach
8 the witness, Your Honor?

9 THE COURT: Yes.

10 Q. (By Mr. Evelyn) Do you know what daily
11 detail is?

12 A. Yes.

13 Q. What's a daily detail?

14 A. It's the assignment sheet we make out
15 everyday for officers assigned to certain details
16 like I'm on platoon three now. Guys assigned to
17 scout cars, leave, furlough, court.

18 Q. I'm going to show you some sheets that are
19 purportedly daily details that you signed from
20 July 17th through November 17th of 2009. I'm
21 sorry. Did you look at those documents?

22 A. Yes.

23 Q. Are those daily details that you prepared?

24 A. Yes.

25 MR. EVELYN: Move the admission.

1 MR. WOODYARD: Your Honor, I have no
2 objection.

3 THE COURT: Admitted into evidence
4 at this time. It's Exhibit M.

5 Q. (By Mr. Evelyn) When do you prepare these
6 details?

7 A. Everyday.

8 Q. At the beginning of the shift, at the end
9 of the shift, when do you prepare them?

10 A. Normally at the beginning of the shift.

11 Q. Now you responded to some questions on
12 cross regarding what goes on activity logs. You've
13 already testified that for a period of years,
14 activity logs were not done by Community
15 Relations --

16 A. Right.

17 Q. -- personnel, is that correct?

18 A. That's correct.

19 Q. And in fact, you've also testified that
20 you submitted initiative reports that covered
21 activities, some which occurred on the weekends, is
22 that correct?

23 A. That's correct.

24 Q. And then football schedules only Saturday,
25 is that right?

1 A. Right.

2 Q. And that's no where on anybody's activity
3 log, is that correct?

4 A. That's correct.

5 Q. Those games, the basketball programs, the
6 championship games, that's not on anybody's
7 activity log, is that correct?

8 A. That's correct.

9 Q. To your knowledge, is that right?

10 A. That's right.

11 Q. And if I tell that you some of those games
12 were attended by command personnel, even Deputy
13 Chief Godbee, that still doesn't change the fact
14 that they're on anybody's activity logs, are they?

15 A. Right.

16 Q. Sometimes -- let help ask you. Do you
17 know about the Toys for Tots program?

18 A. Yes, I do.

19 Q. And that would run Monday through
20 Saturdays, the weeks they would have it?

21 A. That's correct.

22 Q. Would that go on activity logs?

23 A. We didn't do activity logs for those
24 details.

25 Q. Something else you didn't do activity logs

1 for?

2 A. Right.

3 Q. You would see Officer Collins when he
4 would arrive for his shift, is that correct?

5 A. That's correct.

6 Q. In the month of December, 2009, was
7 Officer Collins reporting directly to you, or was
8 he reporting to another supervisor?

9 A. I can't recall.

10 Q. Was there a supervisor by the name of
11 Lieutenant Williams at the Eastern District at this
12 time?

13 A. Oh, yeah, yes, it was.

14 Q. And was there a period of time where
15 Officer Collins was supposed to report to
16 Lieutenant Williams?

17 A. That's correct.

18 Q. And he had to go and see her visually?

19 A. Yes.

20 Q. Was that true for everybody else in your
21 unit that they had to all come and report directly
22 to the supervisor?

23 A. Not that I recall.

24 Q. Do you recall having to call dispatch when
25 Community Relations people arrived?

1 A. Yes.

2 Q. And when did that start?

3 A. I can't recall.

4 Q. In 2009, that wouldn't be likely?

5 A. It could have.

6 Q. And was this because there was this
7 transition to now scrutinizing Community Relations'
8 activities more often?

9 A. I can't answer that.

10 Q. So you don't know why at a point in time
11 in 2009 you were told that Community Relations
12 officers themselves had to come in and personally
13 present themselves to a supervisor, and then they
14 had to call dispatch to let them know they were
15 there?

16 A. I would call dispatch and let them know
17 what cars I had out.

18 Q. And you would tell them the time these
19 people arrived?

20 A. Yes.

21 Q. Did you call dispatch and tell them about
22 the other people that weren't working in cars like
23 Officer Collins?

24 A. No. I would call them all in.

25 Q. What do you mean you would call them all

1 in?

2 A. In the morning. You can call them all in
3 at the same time or just give different times.

4 Q. So you make one call for everybody?

5 A. Yes.

6 Q. So you would call in to dispatch, and you
7 give the assignments for everybody in your unit
8 that day?

9 A. Correct.

10 Q. And how would you confirm the assignments
11 for that day?

12 A. What do you mean by assignments?

13 Q. For example, people that came in the
14 afternoon. If you are calling in the morning and
15 some people come two to ten or twelve o'clock, how
16 would you let dispatch know where everybody was
17 going to be working before they even arrived?

18 A. You can always give them the time and
19 their codes.

20 Q. Would you just give them the time and the
21 codes?

22 A. Yes.

23 Q. Now you said that Community Relations
24 works flexible schedule, is that correct?

25 A. That's correct.

1 Q. Does that mean that sometimes a person
2 might come in at one time twelve to eight and then
3 discover that they had to stay later for a
4 community meeting?

5 A. That's true.

6 Q. Or some other assignment that was not on
7 the schedule, is that right?

8 A. That's right.

9 Q. And that would not necessarily appear on
10 the activity log, would it?

11 A. No.

12 Q. Have you heard the term slide time before?

13 A. Yes.

14 Q. That's not supposed to be something that
15 is proper though, is it?

16 A. No, it's not.

17 Q. Does it go on? I'm not asking you whether
18 you were involved in that, but does it go on at
19 all?

20 A. I'm sure it does someplace.

21 Q. There are places where people, officers
22 because they can't afford to pay them overtime and
23 they work overtime, they get compensated by being
24 able to come in later, come in later or leave
25 early?

1 A. I have heard that.

2 Q. You heard that. That's all I'm asking.

3 You are aware that that goes on, okay.

4 Now when you looked at the -- did
5 you ever have any conversation with Officer Collins
6 about the time you carried him on your time reports
7 that say eleven to seven, twelve to eight? Did he
8 ever tell you why I can't be listed two to ten
9 which is when I really come in?

10 MR. WOODYARD: I'd object. That
11 calls for hearsay, Judge.

12 THE COURT: Sustained.

13 MR. EVELYN: I will rephrase it.

14 Q. (By Mr. Evelyn) Did you ever receive a
15 request for him to change the time that you put on
16 the --

17 MR. WOODYARD: Calls for hearsay,
18 Judge. Objection.

19 THE COURT: You're asking her if she
20 ever -- ask the whole question, and don't answer
21 until --

22 MR. EVELYN: Okay, I'll ask the
23 question.

24 Q. (By Mr. Evelyn) You said that the
25 activity logs, the time reports, time books, you

1 put the time in based upon activity logs and what
2 you see, is that correct?

3 A. That's is correct.

4 Q. And obviously, when you know what
5 someone's going to be doing, it's because you
6 either gave them an assignment or because you
7 observed it, is that correct?

8 A. That's correct.

9 Q. Now Officer Collins was involved in things
10 that you didn't see because you didn't go out to
11 watch all the time, is that correct?

12 A. Correct.

13 Q. You followed up on the B & E requirements
14 that he had to do, was that correct?

15 A. That's correct.

16 Q. You followed up on the MUP tickets, is
17 that right?

18 A. Right.

19 Q. But the athletic programs you left to
20 someone else or at least you didn't participate in
21 that, is that correct?

22 A. That's correct.

23 Q. Did you ever have -- you also indicated
24 you, at some point in time, made a request to have
25 your hours changed so that you could more

1 adequately supervise your unit, is that correct?

2 A. That's correct.

3 Q. Your request was refused, is that right?

4 A. That's right.

5 Q. Did you ever consider changing the time
6 that you listed him on the time report?

7 A. Not that I can recall.

8 Q. Was there ever any -- did he ever give you
9 reason to do that?

10 A. No.

11 Q. Is your memory good in that regard? Is it
12 possible you could be wrong on that?

13 A. I could be.

14 MR. EVELYN: I have nothing further.

15 THE COURT: Okay.

16 MR. WOODYARD: Judge, I have got a
17 few follow-up questions.

18 THE COURT: Go ahead.

19 RECROSS-EXAMINATION

20 BY MR. WOODYARD:

21 Q. Sergeant Lewis, I want to talk about the
22 daily details, the last set of documents that you
23 were just handed, or do you still have them?

24 A. No, I think the attorney has them.

25 Q. Is it your testimony that you prepared

1 these?

2 A. Yes.

3 Q. Is it your testimony that you prepared
4 every one of them?

5 A. That's a strong possibility that I did.

6 Q. Is there a possibility that you didn't
7 like, for example, one that might have been
8 prepared while you were away on leave?

9 A. That's possible.

10 Q. Okay, all right. Let me ask you this.
11 You did testify, if I'm not mistaken, that there
12 were no activity logs that reflected sports
13 programs?

14 A. That's correct.

15 Q. Is that your recollection? You never saw
16 an activity log from any of your Community
17 Relations officers that reflected involvement in
18 the sports programs?

19 A. To the best that I can, to the best of my
20 knowledge, no.

21 Q. Did you -- you looked at the activity
22 logs, is that correct?

23 A. Right.

24 Q. And you signed the activity logs
25 indicating that they were correct to the best of

1 your knowledge?

2 A. Exactly.

3 Q. Not only Officer Collins, but every other
4 one of the officers in the Community Relations Unit
5 filled out activity logs, is that right?

6 A. Right.

7 Q. I'm going to show a couple things here,
8 see if this helps you to remember things that you
9 saw. This is an activity log that's dated March.--
10 can you see that?

11 A. Yes.

12 Q. March 23rd of 2009, Eastern District?

13 A. Yes.

14 Q. Can you read the name here?

15 A. Yes, I can.

16 Q. What is that? Read it out loud for me.

17 A. P.O. Jerome Collins.

18 Q. And then the document then contains sort
19 of a narrative down here that says, Here's what I
20 did, and here's the time I did it?

21 A. Right.

22 Q. If you look at the back, we see that in
23 fact between five and seven, Officer Collins
24 indicated that he is at State Fair and Hayes at
25 Elden Rec visiting at above with boys basketball

1 league, right?

2 A. Right.

3 Q. That is between five and seven?

4 A. Yes.

5 Q. Later on goes, he goes -- and he's off
6 duty at eight o'clock, correct?

7 A. Correct.

8 Q. Activity log for April 20, 2009, also
9 Police Officer Jerome Collins. On the back, we see
10 that between five and seven, Holloman Rec, boys
11 basketball, busy at the above with boys basketball
12 league, right?

13 A. Yes.

14 Q. And those hours are -- what hours are
15 those, ma'am? Can you read from there?

16 A. I sure can.

17 Q. Okay.

18 A. Start at five and end at seven.

19 Q. Five to seven. What does MA mean?

20 A. Miscellaneous activities.

21 Q. Miscellaneous activities, thank you. So
22 officer Collins in fact was involved in a
23 basketball program, is that correct?

24 A. That's correct.

25 Q. Does looking at these -- here's another

1 one, April 23rd, of 2009, boys and girls busy at
2 the above location with boys basketball league for
3 district, right, between five and seven? Does that
4 help you remember having seen these before?

5 A. Yes, it does.

6 Q. So in fact, Officer Collins did make
7 records in his activity logs of involvement in
8 sports programs, right?

9 A. That's correct.

10 Q. Now there was never a weekend activity log
11 that you saw for Mr. Collins, was there?

12 A. No.

13 Q. You were asked questions about the unit
14 receiving, I'll use the phrase, heightened
15 scrutiny. People began paying closer attention to
16 when officers came and went, is that right?

17 A. Yes.

18 Q. Do you remember Mr. Evelyn was asking you
19 about how --

20 A. Yes.

21 Q. -- you had to call into dispatch or
22 something?

23 A. Yes.

24 Q. Okay. And is it your testimony that you
25 don't know why that heightened scrutiny was imposed

1 upon your particular unit?

2 A. No, I do not.

3 MR. WOODYARD: Judge, could we
4 approach for a moment?

5 THE COURT: Yes.

6 (At 3:12 p.m., bench conference.)

7 (Proceedings stenographically
8 recorded, but not ordered transcribed.)

9 THE COURT: You may proceed.

10 MR. WOODYARD: You know what after
11 all of that, I don't have any other questions. I
12 apologize.

13 THE COURT: Okay.

14 MR. WOODYARD: Thank you.

15 REDIRECT EXAMINATION

16 BY MR. EVELYN:

17 Q. You indicated in response to questions
18 that were put on --

19 MR. WOODYARD: Judge, I didn't ask
20 any other questions, so I think the witness is
21 done, right?

22 MR. EVELYN: We interrupted his
23 questioning --

24 MR. WOODYARD: Oh, of course. I
25 lost track of where I was. I apologize.

1 Q. And so if somebody went to use the van,
2 they had to come get the keys from you?

3 A. Get the keys from the desk unless they had
4 another key made on their own.

5 Q. But if they didn't have a key made on
6 their own, they would get the keys from you?

7 A. Keys from the desk.

8 Q. From whose desk?

9 A. My desk.

10 Q. Where was your desk?

11 A. Community Relations office.

12 MR. EVELYN: I have nothing further.

13 Thank you.

14 THE COURT: Anything else?

15 MR. WOODYARD: Nothing from the
16 People, Your Honor.

17 THE COURT: Anything from the jury
18 for this witness? Raise are hand if you have any
19 questions. All right, thank you. You may step
20 down.

21 THE WITNESS: Yes, thank you.

22 (Proceedings stenographically
23 recorded, but not ordered transcribed.)

24 (At 4:13 p.m., proceedings
25 adjourned.)

7

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March 15, 2012

Commander Brian Stair
Internal Controls Bureau
The First National Building
660 Woodward Ave.
Suite 1650
Detroit, MI 48226

RE: Formal Request for Discovery
Police Officer Jerome Collins
Discipline File No. 120137
IAS No. 09-142

Dear Commander Stair:

I have been advised that a Police Disciplinary Trial Board has been scheduled to convene in the above-referenced matter on April 24, 2012.

In furtherance of the right to confront the witnesses and evidence against this officer and to otherwise assist in the preparation of an adequate and informed defense, please accept this letter as formal request for discovery.

At your earliest opportunity, kindly provide this office with all documentary evidence accumulated, produced and/or maintained by the Department during the investigation and processing of this case.

The term "document" includes, without limitation and regardless of origin or location, all correspondence, books, pamphlets, letters, diaries, logs, memorandum, reports, records, studies, stenographic or handwritten notes, working papers, invoices, vouchers, charts, graphs, preliminary complaint records, activity logs, time records, agreements, affidavits, witness statements, pictures, voice recordings, tapes, transcripts or taped or recorded conversations, surveillance reports, recommendations, investigative reports, and all records or writings however produced or reproduced.

The request covers all documents whether accumulated, produced, generated or maintained by the Disciplinary Administration Section, Internal Affairs Section, Internal Controls Bureau, Professional Standards Section, Office of the Chief Investigator, and/or any other Precinct, Section, Unit and Detail, within the Detroit Police Department and any other Division, Department, Office, Section, Unit or Detail within the City of Detroit administration. Further, any documents in the

#7

CITY OF DETROIT
TRIAL BOARD HEARING

In the Matter of:
CITY OF DETROIT
(POLICE DEPARTMENT),

Employer,

No. 12-0137

-and-

Volume 4

DETROIT POLICE OFFICERS ASSOCIATION
(POLICE OFFICER JEROME COLLINS),
Union.

Proceedings had and testimony
taken in the above matter before a Trial Board at 7310
Woodward Ave., 3rd Floor, Detroit, Michigan, on
Thursday, July 11, 2013 commencing at or about 9:00 a.m.
APPEARANCES:

TRIAL BOARD

COMMANDER ROBERT ENNIS, Chairperson

INSPECTOR GARY SROKA, Co-Member

INSPECTOR DWAYNE BLACKMON, Co-Member

MS. LETITIA JONES, ESQUIRE, City Advocate
(Appearing on behalf of the Detroit Police Department)

MR. JOHN GOLDPAUGH, ESQUIRE
(Appearing on behalf of Police Officer Jerome Collins)

REPORTED BY: TAMARA A. O'CONNOR (CSMR-2656, CER-2656)

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Detroit, Michigan
Thursday, July 11, 2013
9:19 a.m.

PROCEEDINGS

COMMANDER ENNIS: This Board is reconvened today, Thursday, July 11, 2013. If no one has any preliminary matters, we will turn over the proceedings to the City's advocate, Ms. Jones.

MS. JONES: I believe the parties have rested, and we are going to be doing our closing argument. Is that correct, brother counsel?

MR. GOLDPAUGH: That is correct.

MS. JONES: Closing argument:

The Department has to show, by a preponderance of the evidence, that the officer is guilty of the charges that are before you.

There is some discrepancy as to the first charge being by a preponderance of the evidence. There are some arbitrators who wish that to be a clear and convincing evidence standard versus preponderance of the evidence. In any event, none of these charges before you are beyond a reasonable doubt.

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As it relates to Count I, Conduct Unbecoming an Officer, Officer Collins has been charged with conducting himself in a manner unbecoming an officer by working two unauthorized outside employments that overlapped his duties and responsibilities with the Detroit Police Department as a Community Relations officer.

Generally, one of the standards used with Conduct Unbecoming is whether it discredited the officer or brought the Department into disrepute. You have evidence presented to you as well as testimony showing that it did discredit the officer.

Secondly, you have the Free Press news article that shows that the Department was brought into disrepute not only from Officer Collins but also from other officers within that unit.

As it relates to Count I, you have had the opportunity to hear the testimony and review the evidence. You have activity logs from Officer Collins. You have time records from Allen Academy showing that he was working there. You have time records from St. John's Hospital showing he was working there.

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You have the daily details from the Detroit Police Department, and you also have the charts that show the overlap as it relates to the hours worked.

As it relates to Count II, Willful Disobedience of Rules or Orders, you have two specifications under this count, and the first one being that he was working security at St. John's without approval from the Chief of Police.

You have heard no testimony on this record that he ever obtained permission. Now, he may indicate that it was tacit approval and that people appeared-- and you will hear that in his Garrity, that people appeared at the football functions, but that does not go to these charges.

I don't want you to be confused about the football functions and these charges. These charges are whether he had approval to work St. John's Hospital. Additionally, the second specification is whether he had approval to work security and as a truancy officer at Allen Academy.

You have heard nothing in this record that states that he had approval. In fact the testimony from the witnesses supports the Department's position that he did not have approval.

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Therefore, we will be asking you for a finding of guilt on Counts I and II.

As it relates to Count III, Using Authority or Position for Financial Gain or for Obtaining Privileges or Favors, brother counsel brought up that this actual charge is confusing because, as a police officer, what privileges or financial gain did he obtain as a police officer?

As it reads, it is to use his position for financial gain by working security when in fact he was supposed to be working as a Community Relations officer resulting in him being monetarily compensated by the City of Detroit for time worked.

What this is saying is he was paid by the City of Detroit and its citizens for work that he should have been doing at the City of Detroit. The problem is he went and worked other places when he should have been working at the City. That is what this particular charge is about.

So while it is confusing as to its title, the substance of the charge is quite clear, the fact that he was compensated when he should have been working as a Community Relations officer at Eastern District. So I defer to the Board as it relates to the finding of guilt on Count

3 (Pages 261 to 264)

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1 That's not what happened. What
2 happened was he was doing his work. You heard
3 nothing from that stand that has raised one incident
4 of a complaint about Officer Collins not getting his
5 work done, not doing what he was supposed to be
6 doing for the City of Detroit.

7 True there is an overlap, but
8 that overlap does not mean that he was not giving
9 eight full hours of time to Detroit on each day. He
10 did his job, he showed up. He did what he was
11 supposed to do, and he gave that to the community,
12 and he gave it to the City of Detroit, and he gave
13 it to the Detroit Police Department.

14 That is what the evidence shows
15 here. Even when you look at the trial transcript
16 from Mr. Green for example, all Mr. Green talked
17 about is lauded Officer Collins even though he is
18 called as a prosecution witness.

19 Do you find it interesting that
20 the People did not call Mattie Lewis in their case
21 in chief? She was the one who was his supervisor.
22 She was the one who basically testified at the
23 investigative subpoena as to her actions.

24 You know why they didn't call
25 her? Because she was going to say, and you saw

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1 this, look, Godbee and Motley told me let him do it.
2 That's why. Because what they want to do is say he
3 was doing everything he was supposed to do.

4 The evidence shows that. He
5 was coming to work, he was showing up. He was
6 giving eight hours to the City of Detroit. He was
7 also working trying to make a buck other places too.
8 He was working on weekends for this community, he
9 was working weekends for the Detroit Police
10 Department.

11 That is why they didn't put
12 Mattie Lewis on the stand as a prosecution witness.
13 I wasn't the defense attorney, but I would have
14 called her too. I didn't represent him. Because
15 the facts show he did not bring this Department into
16 disrepute.

17 Did he get written permission?
18 I don't know. We have never seen it. We have
19 heard people say, well, he didn't get permission
20 from me, and I agree, he didn't go each time and get
21 permission to work from Commander Dolunt, for
22 example, or even Deputy Chief Motley.

23 But Commander Godbee knew what
24 was going on. Commander Godbee knew exactly what
25 was going on, and he allowed it to continue. Then

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1 when he got out, Deputy Chief Motley continued the
2 way things were going.

3 Then the interesting part is,
4 and I found it kind of a surprise, was the anonymous
5 letter that comes up approximately a year before
6 the-- November 11 from the ever elusive
7 Ms. Catherine Jones who it turns out probably never
8 existed. It was probably his ex-wife. But we don't
9 know that for a fact. I'm just guessing and
10 speculating.

11 But we do have this anonymous
12 phone call or the anonymous letter which was quite
13 lengthy that Commander Dolunt spoke of, and so did
14 Commander Moore. They took steps to find out what
15 was going on. They sent it to Internal Affairs.

16 Internal Affairs, according to
17 Commander Dolunt, said that they either didn't do
18 anything or they were under-staffed or something
19 along those lines. Commander Moore was more
20 specific and said, well, yes, I spoke to them. I
21 called down there, and they told me we investigated,
22 and we found nothing.

23 Well, members of the Board, is
24 that even plausible that they found nothing if in
25 fact you believe what the Department wants you to

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1 believe, if he is not showing up for work on time,
2 he is not doing his jobs, and he is just, willy
3 nilly, doing nothing?

4 Don't you think that they would
5 see if he was violating the rules and regulations of
6 the Department, along those lines, that something
7 would have materialized before the second letter?
8 The answer is nothing materialized because nothing
9 was going on out of the ordinary how things were
10 working with respect to Deputy Chief Motley and
11 Commander Godbee.

12 Then Commander Dolunt, because
13 he was tightening things up, and you read the
14 testimony of Mattie Lewis, she said yes, because I
15 then had to start having them do their activity logs
16 because Community Relations had come under greater
17 scrutiny.

18 Those were her words or those
19 were the prosecutor's words, I'm not sure. She
20 didn't know why that was, but she also knew that now
21 she had to get people to do activity logs. She even
22 testified that she went and asked Officer Collins to
23 back-date some, and he refused to do it.

24 He wasn't going to back-date
25 something that he was going to make up. You saw

6 (Pages 273 to 276)

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1 that in the testimony. So is this the type of a
2 person who is cheating the City of Detroit out of
3 his time? No, just the opposite.

4 He was giving the time
5 constantly. He was providing that to the citizens
6 of Detroit. He was working. He was working for
7 Detroit, and he was working for two other places
8 trying to make a buck and trying to survive. There
9 is no doubt about that.

10 There is no dispute that he had
11 outside employment. There is no dispute that he did
12 not get permission for the outside employment from
13 Commander Dolunt.

14 The other interesting parts are
15 that, as Commander Dolunt indicated and testified to
16 with respect to the football programs and all these
17 activities which nobody seemed to remember occurring
18 when they were on the stand-- you have Exhibit
19 No. 16 that was posted in Commander Moore's office.

20 Why would that be posted in the
21 Eastern District if it didn't have something to do
22 with Detroit police work? It was posted there, the
23 schedule, that he, the Community Relations officer,
24 was involved in this program.

25 You heard testimony, and you

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1 will read testimony if you haven't gotten to all
2 that yet, where then Commander Godbee was attending
3 functions.

4 You saw testimony from Mattie
5 Lewis where she stated with respect to these
6 initiative reports, it was Commander Serda who was
7 directing Officer Collins at certain times, that he
8 was reporting to different people, and that is what
9 was going on in this case.

10 I was kind of wondering, and I
11 thought it was skillful of Ms. Jones to try to
12 explain Count III. Because even with her
13 explanation, I still don't see it. Because if that
14 is what they're claiming that he used his position
15 for financial gain, it is basically what she is
16 alleging is larceny.

17 In other words, she is saying,
18 just like they said in court, well, he filled out
19 his activity logs saying he was at a certain
20 location, and he has denied doing some of those logs
21 as you are aware of, and that he wasn't really
22 there. So therefore, he must have stopped working
23 at 8:00 because he's someplace else.

24 That is a guess. That was the
25 gist of the criminal case too, which of course we

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1 are all aware he was acquitted of. In other words,
2 we can guess and speculate why the jury did what
3 they did, but the jury did what they did because
4 they found beyond a reasonable doubt that he didn't
5 do it.

6 He was acquitted by a jury.

7 Too often, way too often, the Wayne County
8 Prosecutor's Office demands that we have a jury with
9 respect to police officers. I have been
10 representing them for a number of years.

11 It used to be you didn't have
12 to do that, you could waive in front of a judge.
13 The Wayne County Prosecutor will not allow that
14 under 95 percent of the cases because it is their
15 position that the people of the City of Detroit or
16 of Wayne County are the ones to make the
17 determination.

18 Well, that is what happened in
19 this case. It wasn't a judge who threw the case out
20 on a technicality, it was 12 people sitting in
21 judgment on him on these very charges. Don't kid
22 yourself, that's what these charges are all about.
23 On these very charges, they found that he was not
24 guilty, that the People did not prove the case.

25 I just bring that up because we

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1 have this whole three-ring circus going on at the
2 very beginning of this matter. Interestingly
3 enough, Commander Dolunt, as I said, tightens the
4 reins up, and then we come up with another letter.

5 Now, this is specifically
6 dealing with somebody named Catherine Jones. So the
7 testimony shows that he was not obtaining financial
8 gain using his position. We all know what that
9 means. It doesn't mean, oh, you stole something.

10 It means you walk into the
11 arena after a Pistons game or into Joe Lewis, flash
12 your badge and say, hey, let me in for free. We all
13 know that is what this means. This situation does
14 not fit that.

15 This is a situation where a
16 police officer was working hard for the City of
17 Detroit. You saw in Exhibit No. 15 these initiative
18 reports. You see in the activity logs, there is a
19 series of activity logs where he is at the
20 basketball programs within the community. Those are
21 in his activity logs.

22 Yet, they are saying athletics
23 has nothing to do with community relations.
24 Commander Godbee, when he testified and gave
25 statements, admitted that he had been to functions.

7 (Pages 277 to 280)

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1 MS. JONES: The initial letter
2 that was brought forth was by Mr. Collins' estranged
3 wife, ex-wife, current wife, whatever her status is.
4 A year later came the anonymous letter.

5 As to IA finding nothing, if
6 you recall Lieutenant Walton's testimony, she said
7 that they sat at the building in Canton. If you
8 recall, there was testimony about a sports arena in
9 Canton. So if he didn't appear in Canton, of course
10 they found nothing.

11 There was no indication that
12 they followed him around for a 24-hour period. So
13 where counsel says nothing out of the ordinary
14 happened, so nothing could be found, that is the
15 reason.

16 So then we go to his argument
17 that, under Collins' Garrity, he checked in every
18 day, he got his work done. He included that Mattie
19 Lewis supports that she saw him, he got his work
20 done. She saw him, but she didn't see him during
21 the full eight hours.

22 That he got his work done
23 doesn't mean that he worked eight hours. I can get
24 my work done, and I may not necessarily work eight
25 hours. So that logic is not sound logic there.

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1 To say that he lied 81 times,
2 yes, there are 81 specifications, and yes there was
3 testimony through Collins' statement and also
4 through Mattie Lewis that she asked him to back-date
5 it but he refused, she acknowledged that she asked
6 him to back-date it, and he said that he refused.

7 If he refused, then his
8 signature would not be affixed to any of-- well, to
9 the activity logs that are before you. Counsel
10 stated he didn't prepare half of those activity
11 logs. Take a look at the activity logs.

12 If his signature is not affixed
13 to it and it corresponds to a day that is in
14 question, and you can look at the charts for
15 expediency if you like, then disregard it. He is to
16 be found not guilty on that.

17 But if his signature is affixed
18 to it and the charts show that he was working at two
19 of the locations, be it St. John's and DPD or Allen
20 Academy and DPD, then he should be found guilty on
21 those charges.

22 With a finding of guilt, we ask
23 that he be discharged from the Department or, in the
24 alternative, suspended for the period of time that
25 has transpired. Anything further, counsel?

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1 MR. GOLDPAUGH: I don't get
2 another bite at the apple.

3 MS. JONES: Any questions from
4 the Board?

5 COMMANDER ENNIS: As far as our
6 deliberations, are we entitled to the transcripts
7 from the investigative subpoena of Mattie Lewis, and
8 I know that it was not admitted, but the Garrity
9 interview for Officer Collins?

10 MR. GOLDPAUGH: It was. That
11 is Exhibit No. 1.

12 MS. JONES: That is Exhibit
13 No. 1 is the Garrity interview and it is up to
14 counsel--

15 MR. GOLDPAUGH: I have no
16 problem.

17 COMMANDER ENNIS: Has it
18 already been transcribed?

19 MS. JONES: It is transcribed,
20 and it is somewhere in this box. So if you will
21 permit me, I will try and get it for you.

22 MR. GOLDPAUGH: I have no
23 objections to it. It was not made part of the
24 record, but I have no objections to you reviewing
25 that.

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1 MS. JONES: Therefore, that
2 will be Board Exhibit No. 18. The Board requested
3 Exhibit No. 18, which is the transcript of the
4 investigative subpoena interview of Mattie Lewis.

5 (At 9:58 a.m., BX#18 marked
6 and received)

7 MS. JONES: Anything further?

8 COMMANDER ENNIS: No.

9 MS. JONES: Do you waive a
10 reconvening of the Board?

11 MR. GOLDPAUGH: Yes, we waive a
12 reconvening of the Board and accept it in writing.

13 COMMANDER ENNIS: This Trial
14 Board is completed.

15 (At 10:00 a.m., concluded)
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9 (Pages 285 to 288)

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